finally decided he would never get back to sea and therefore should be painlessly executed with dynamite. Before that could be done, one Edward O. Lessard and his son Joseph went out in a motorboat, harpooned Ethelbert, then lost him. Others grappled him up, put him on display. Indignant Portland police confiscated Ethelbert's remains, arrested the Lessards. An indignant Portland judge fined them $200 each for "killing a fish" with weapons other than hook & line. Last week Ethelbert was only a skeleton and a memory, but the Lessards were still trying to escape payment of their $400 fines. With one stroke Circuit Judge Hall S. Lusk, to whom they appealed, erased the blot from Ethelbert's escutcheon, wiped out the Lessard fines. Like almost everybody else, he knew, and explained to the jury in directing an acquittal, that a whale, which breathes air and suckles its young, is no fish.

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